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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,564	03/30/2004	Robert Hasbun	MP1443 130199	3689

25944 7590 06/19/2008

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
HENEGHAN, MATTHEW E	

ART UNIT	PAPER NUMBER
2139	

MAIL DATE	DELIVERY MODE
06/19/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/812,564	HASBUN, ROBERT	
	Examiner	Art Unit	
	Matthew Heneghan	2139	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 9-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-7* is/are allowed.

6)☒ Claim(s) *9-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. In response to the previous office action, Applicant has amended claims 9 and 28. Claims 1-7 and 9-37 have been examined.

Claim Rejections - 35 USC § 102 and 35 USC § 103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 9-14, 16, 17, and 28-33 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 7,137,004 to England et al.

NOTE: England was previously cited in the office action mailed 31 August 2007.

As per claims 9-11, 16, and 28, England discloses a system in which an upgrade (information update) to a new trusted core(1) or another application (i.e. an applications processor) may be initiated in a trusted core(0) if the new core is trusted. The second portion reads a value stored by the first portion, a certificate, to verify a trusted state, before loading it (a secure operation) (see column 11, lines 36-52). There are computer-readable media (see column 29, lines 50-53). Since England's invention may be connected to a wireless network (see column 3, lines 19-22), the system comprises a wireless device. Measures of the trusted core for reading may be stored in one-way registers after reset (not modifiable) for accessing by other subsystems (see column 6, lines 10-28).

England discloses that the cores (rings) of the system architecture is implemented to take advantage of the different privilege levels of the one or more processors (see column 5, lines 43-46). It is unclear as to whether one skilled in the art would ascertain that England discloses that each of the cores would be mapped to different processors. If so, then these claims are anticipated; otherwise, it would be obvious for one skilled in the art to so map these processors in order to simplify the mapping of processor privilege levels to the cores.

Regarding claims 12-14, 17, and 29, 30, 32, 33, the judgment as to whether an upgrade is to proceed may be contingent on the state of the register.

As per claim 31, the operation is not performed and appropriate remediation is performed if the verification of the upgrade fails (see column 11, line 66 to column 12, line 6).

3. Claims 15, 18-27, and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,137,004 to England et al.

Regarding claim 15, England does not disclose an indication being sent if the upgrade failed.

Official notice is given that it is well-known in the art to send error messages in the event of a process failure, so that other processes may take any necessary remedial action.

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of England by sending an error message in the event of failure, as is well-known in the art, so that other processes may take any necessary remedial action.

Regarding claims 18-20, 22-26, and 34-36, England does not specifically state that the communications processor be mapped to trusted core(0); however, since England states the importance of secure, trusted communications and leaves open the manner in which this may be implemented (see column 3, lines 34-40), it would be obvious for one of ordinary skill in the art to map the communications processor to the most secure ring (i.e. core(0)).

Regarding claim 21, the ability of the second portion to receive a program signal is not contingent upon the state of the application, so it can be received if the state is not valid.

Regarding claim 27, wireless communications devices inherently have antennas.

As per claim 37, any new trusted application is received over the network (see column 28, lines 24-30). The trusted application is received by the currently running core, which is the second portion, before becoming instantiated in the first portion.

Allowable Subject Matter

4. Claims 1-7 are allowed.

5. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: No art could be found that suggested a communication between two processors, wherein one is a wireless processor, in which the trusted state is entered and then exited as per claim 1. Claims 2-7 are allowable based upon their dependence on claim 1.

Response to Arguments

7. Applicant's arguments, see Remarks, filed 5 June 2008, with respect to Poisner have been fully considered and are persuasive. Poisner is found to have been

commonly assigned with the instant application as of the date of invention and therefore shall not be applied in rejections made under 35 U.S.C. 103. See 35 U.S.C. 103(c). The rejections of claims 1-6 are withdrawn. New rejections of claims 9-37 are made over England.

Conclusion

8. Applicant's amendment subsequent to the non-final rejection mailed 31 August 2007 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Heneghan, whose telephone number is (571)

272-3834. The examiner can normally be reached on Monday-Friday from 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at (571) 272-4063.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450
Or faxed to:
(571) 273-3800

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Matthew Heneghan/

Primary Patent Examiner, USPTO AU 2139

June 18, 2008